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UC Hastings College of the Law

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Jaws II looms over budget hearing

Dean & Acting Chancellor Bert Prunty testified before the Senate Finance Subcommittee.

By Julie Steward and John Lande

State legislative committees have made their first "marks" on Hastings' 1980-81 budget as part of a process that normally ends in July with the signing of the Budget Act. However, if Proposition 9, commonly known as the Jarvis II initiative, is approved in June, the committees' work will have been wasted, Hastings' fees will probably be increased beyond the $80 per year increase already approved, and it is unlikely that Hastings will be able to address some program deficiencies indentified in the 1978 accreditation review.

The Governor's Budget includes a $6.2 million general state fund appropriation for Hastings' 1980-81 operating budget. (This excludes capital funds and those received from the federal government and other sources.) This would result in a general fund increase of almost $800,000 over the current year (exluding cost-of-living salary increases). The Governor's Budget includes new funding for 4 faculty posts; records office, library and other non-academic staff; and about $10,000 for grants to cover bar preparation costs for third year LEOP students. (See tables.)

The Governor's Budget also includes a capital outlay appropriation of nearly $700,000 for alterations to the existing building and for new equipment. This would pay for seven new offices, a moot courtroom, modifications of elevators and changes related to the expansion into the new building. The equipment fund would buy moot court audio-visual equipment and microfilm readers.

Increased registration and application fees will contribute to the pro-

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Students rap admissions handling

By Larry Bobiles

Approximately 50 students jammed the hallway outside the second-floor office of Faculty Admissions Committee Chairperson Ray Henson February 19 demanding increased student participation in Admissions Committee matters.

Inside the office, the committee, composed of five faculty members and two students, was attempting to meet.

As Hastings Security personnel stood watch outside, the Admissions Committee, after hearing out representatives of the throng, voted to allow six more students to sit as observers at committee meetings.

Representatives from ALSA, BLSA, LA RAZA, NALSA, Disadvantaged Others, and the Women's Guild were appointed by ASH President Darryel Nacua to fill the observer slots.

The committee's quick reaction headed-off for the moment what was building-up as a major confrontation between LEOP student associations and faculty over student participation in college admissions matters, student sources said.

Students were upset when committee chairperson Henson "unilaterally" decided earlier this semester that student participation on his committee would be limited to present student representatives Dana Drenkowski, Sue Tuskes and alternate Poli Flores, student sources said.

Meetings on admissions matters, formerly held before the Academic Standards and Policies Committee (ASPC), were open to all students in previous years, Henson told the *Law News,* but he said he preferred not to conduct committee business "in a fishbowl."

LEOP student associations, whose representatives have made major contributions to the college's admissions policies, felt Henson was "unreasonably constricting what students can contribute," a spokesperson said.

"Two voting representatives can contribute only so much," explained ALSA representative Joyce Matsumori. "Because our communities are so diverse, and because admissions decisions are so important, all of us have to play a role — even if a non-voting one — in the business of this committee," she continued.

After an emotionally-charged meeting with Admissions Committee ex-officio member and Academic Dean Barbara Caulfield, who presented the committee's proposal, the students brought the committee's proposal to their respective student associations for further consideration.

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'Strength through unity' stressed at women and the law conference

By Lorie Eber

A visibly nervous Eva Paterson, addressing the 11th National Conference on Women and the Law, expounded her views on the future of the women's movement. Ms. Paterson, who is the Assistant Director of the San Francisco Committee on Urban Affairs, repeatedly emphasized her position that the women's movement must be seen as a single element in a larger humanistic movement, rather than as an end in itself.

This strength through unity theme was exemplified by Paterson's display of a clenched fist, while an open hand with fingers spread wide apart illustrated the futility of many single-issue campaigns. "The power structure is more powerful than individual groups," according to Paterson. Therefore, women interested in achieving equality must connect with other progressive groups in order to effectively struggle for human rights. Paterson often used the terms "total vision" and "total agenda" to refer to this desirable broadening of focus.

Paterson mentioned 19th century history as support for her contention that coalescing around narrowly defined issues is ill-advised. Research by Dr. Barbara Christian revealed that the abolitionist groups of that time excluded Black women from participation. Ms. Paterson criticized such a single issue orientation as wasteful and short-sighted, for "all issues are women's issues," she told the audience.

Paterson's own experience in fighting for various causes began in the civil rights and anti-war movements of the 60's. Curiosity prompted her first exposure to the women's movement—a conference on women at Northwestern. Of the civil rights movement Paterson says, "the men made the decisions, we [the women] made the coffee." Nonetheless, she feels that the link between racism and sexism is profound, as both groups were originally excluded from the reach of constitutional protections and have waged fierce battles to gain those rights. Additionally, women, like Blacks, have been robbed of their history.

Paterson argued that one of the most powerful tools of the oppressors is to define reality in their own terms. Consequently, "we must create our own definition of reality." The man-hating and the Black separatist offshoots are, for Paterson, necessary phases on the way to a more comprehensive humanistic movement, since

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Chumps 2nd in San Diego

Despite a complete lack of funding from the school and a small but supportive entourage of fans, the Hastings "Defending Chumps" took second place in the University of San Diego-Lowenbrau Law School Basketball Classic during Spring break, losing the championship game to host and defending titleists University of San Diego, 86-82.

The 16-team field included most of the larger schools from the Los

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News Briefs

Faculty refers LEOP proposal to Admissions Committee

The Faculty voted at its February 8 meeting to refer a proposal for improving the Legal Education Opportunity Program (LEOP) to the newly-established Admissions Committee chaired by Professor Ray Henson.

Prior to the meeting, LEOP Director Raymond Ocampo had circulated copies of the proposal which provides for improved identification and liaison with prospective LEOP students but which would not alter current LEOP admissions policies.

Dean and Acting Chancellor Bert Prunty requested approval of the program in concept to permit the College to pursue fund raising opportunites. Academic Dean Barbara Caulfield reported that Professor Adrian Kragen wrote her a memo supporting the proposal.

After extensive discussion, the Faculty voted to refer the proposal to the Admissions Committee with instructions to report back to the full Faculty as soon as possible.

Faculty cuts criminal law offerings

The Faculty voted to combine the two elective criminal procedure courses and reduce the credit for the first-year criminal law course. At the February 8 meeting, the Faculty approved a proposal Professor Warren Shattuck submitted on behalf of the Curriculum Committee. Professor George Prugh distributed a memo opposing the Committee proposal and spoke in favor of retaining the current course sequence.

Under the Committee's plan, the first-year criminal law course will no longer include any coverage of criminal procedure, and the course units assigned will decrease from 5 to 4. The current Criminal Procedure I (3 units) and Criminal Procedure II (2 units) courses will be combined into a single 4 unit offering. Professor Shattuck noted that the Curriculum Committee is working on a three-course, 6-unit package of courses in Criminal Law.

The Faculty's vote approving the criminal law curricular changes included a provision increasing the units for the first-year Property course from 4 units to 5.

Professor Munster retires

Professor Joe Munster is retiring this year due to poor health. Professor Munster has been teaching evidence, oil and gas law and state and local government law and financing.

Gerald Leo honored

Sixteen years of community service was recognized by the New Oakland Committee when it named first-year student Gerald Leo as its man of the year.

Leo, 37, was honored for his work in fostering better relations among racial groups. He is the former chairman of the East Bay Asian Development Corporation.

Leo received a plaque from World Airways Senior Vice-president Charles J. Patterson in ceremonies at Oakland's Goodman Hall in February. About 800 persons were in attendance, including Atlanta Mayor Maynard Jackson, Oakland Mayor Lionel Wilson and Kaiser Corporation Chairman Cornell Maier.

A resident of Oakland for 17 years, Leo has been involved with numerous community activities, running the gamut from successfully arguing for bilingual census forms to community acquisition of downtown real estate.

Draft plants bomb in high schools

The Director of the Committee on Militarism in Education charged recently that the Selective Service System's plan to establish registration centers in our nation's high schools and colleges is a "time bomb waiting to go off."

At a news conference, Dr. Robert I. Rhodes, director of the Committee, expressed astonishment that the Selective Service System would even consider such a plan. Under existing legislation, the plan would be implemented if President Carter ordered a return to mandatory registration for the draft.

Dr. Rhodes went on to discuss in some detail the impact of registration centers would have on our nation's schools. He predicted that if we become involved in another unpopular war, students will picket or sit-in at these centers. Since obstruction of the Selective Service is a felony and a federal offense, we would be exposing students to long jail sentences arising from nonviolent activities carried out in their own schools.

But he was even more concerned about the impact these centers would have on freedom of speech within our classrooms and school corridors. It would be easy, he suggested, for the F.B.I. to justify the use of student informers at school. Innocent students involved in the exercise of their first amendment rights to freedom of speech and to peaceably assemble could be charged under federal law with conspiracy to obstruct the Selective Service.

He pointed out that many young people today see their schools as oppressive institutions and reject their teachers' authority, especially in high schools. The establishment of registration centers will make a bad situation much worse. "Why," he asked, "is the administrative convenience of the Selective Service considered to be more important than the integrity of our nation's schools and the rights of our students?"

Dr. Rhodes concluded his press conference with a request that the new Department of Education call on Congress to forbid the use of our high schools and colleges as registration centers.

The press conference was held at Shadowcliff, the national headquarters of the Fellowship of Reconciliation. The Fellowship, a pacifist organization, is the sponsor of the Committee on Militarism in Education. The Committee's mailing address is: Box 271, Nyack, New York 10960.

For further information, contact: Robert I. Rhodes (914) 358-4601, Amy Albam (914) 358-4601, or write to the Committee at the above address.

Eyewitness tells Kampuchea tale

By Mimi Lavin

One of the few Western observers admitted into Kampuchea since the Khmer Rouge fell early last year gave a Hastings audience an eye-witness report of proceedings against the two top Khmer Rouge leaders, held there in August, 1979. Professor John Quigley (Ohio State University College of Law), a specialist in international law and the legal systems of socialist countries, was invited along with eleven other American legal scholars to observe the trials, on charges of genocide, of former premier Pol Pot and Deputy Premier Ieng Sary.

The highly emotionally charged proceedings were conducted **in absentia**, Quigley said, and explored defendants' responsibility for a claimed 3 million deaths occurring during the four-year Khmer Rouge rule, from 1975-1979. (The Kampuchean statute defining genocide, passed just before the trial, adopted the wording of the U.N. Genocide Convention of 1948: "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.")

Quigley listed the acts and policies of the Pol Pot government upon which attention focused during the hearings. Large-scale executions of the Lon Nol officer corps in 1975, extermination of various opposition groups in 1977, and countless informal individual executions by local officials were attested to by witnesses. The greatest number of victims, however, Quigley indicated, may have resulted from the drastic methods employed by the Khmer Rouge government to construct an instant agrarian socialist society.

Immediately upon coming into power, Quigley explained, the Khmer Rouge forced complete evacuation of all cities, moving the population to agriculture camps in the country. Weakened by exposure, hard labor, and lack of food, the population became vulnerable to disease. Trained medical people, as members of the suspect educated class, were not permitted to practice, and a policy of fierce self-reliance dictated the government's refusal to accept prepared medicines and medical supplies from other countries. Herbal remedies and training in first aid were inadequate in such circumstances, with disastrous results for the Kampuchean people. Pol Pot and Yeng Sari were indicted for these tactics as well as for the execution deaths.

Conduct of Trial

The trial was conducted in the European, inquisitorial style, an inheritance from the period of French colonial rule. Much of the testimony was delivered in narrative form, with interruptions for occasional questions, mostly friendly, from presiding judge and jurors. "Testimony from individual witnesses tended to range across a wide area of subjects," Prof. Quigley commented.

One witness took the stand and simply described how an extended family of 25 had been reduced to three members as a result of executions, or deaths from disease and starvation. Other witnesses affirmed stories of mass executions of officers of the Lon Nol army, which had been defeated by the Khmer Rouge. Hundreds of soldiers were put to death at a time, witnesses said.

Most chilling, Quigley felt, were accounts of executions of individuals suspected by local officials of resisting the Khmer Rouge government. According to the testimony, the practice varied throughout the country, he noted. Sometimes, it appeared, people discovered to be members of a suspect group would be placed under observation, then executed for a minor offense. Other witnesses recounted instances in which a person suspected of dissenting would simply disappear from his or her village, never to be seen again.

National minorities were considered suspect as well, and Chinese and Cham witnesses attested to harsh treatment suffered under Pol Pot's regime.

In Defense

Under the circumstances, Professor Quigley observed, options for defense counsel were limited. (One of the lawyers defending Pol Pot, a graduate of a Phnom Penh law school, considered himself a victim of the Khmer Rouge, having survived, he claimed, only by pretending that he wasn't a lawyer.)

One line of defense questioned the validity of holding the ruling clique responsible for acts of local officials. Another, put forward in closing argument, excused defendants on the basis that they had been blindly following the precepts of Maoism imposed upon them by Beijing advisors—"a California kind of diminished capacity theory, without the Twinkies," Quigley remarked. Neither theory was accepted.

While the legal effect of the convictions remains uncertain, the trials may have had practical, political effects, the Ohio professor said. He pointed out that the proceedings, in highlighting atrocities committed during Pol Pot's rule, provided an occasion for fortifying the legitimacy of the present Vietnam-backed government. He noted that they had been timed to occur just before the summit conference of non-aligned nations convened in Havana, Cuba, last September.

Though not criticizing the political or social goals of the Pol Pot regime, Quigley agreed that many of its actions and programs seemed designed purely for the purpose of wiping out all opposition to the government. He reminded the audience that the Khmer Rouge had inherited a difficult situation upon coming to power in 1975. Millions of Kampuchean peasants had flooded Phnom Penh and other cities to escape heavy bombing of the countryside conducted by the U.S. from 1969-1973. The cities' severely overcrowded conditions and the shortage of food justified somewhat transferring the Kampuchean population to countryside agriculture camps, Quigley said. But the government subsequently continued to move the population around the country for security reasons, which worsened the hardship.

In concluding, Quigley touched on Vietnamese actions in overthowing the Pol Pot government. There is little in international law, he said, upon which to secure a firm legal justification for Vietnam's intervention in the internal affairs of its neighbor. However, though Kampucheans do not relish Vietnamese influence in their government, most Kampucheans he spoke to seemed relieved to be out from under the Khmer Rouge.

Shame on Hastings!

In a move to mollify its critics and to avoid strong legislation proposed by Assemblymember John Vasconcellos (AB 1566), the Hastings Board of Directors has amended its by-laws to expand its membership. Six new "affiliate" members are to be appointed (which may include a member of the faculty and a student) to supplement the current nine "statutory" members (under Cal. Educ. C 92200 **et. seq.**).

The controversy is very important because the Board is charged by law with managing "the business of the college." Given this overall governance responsibility, the Board must be reformed to update the paternalistic and anachronistic structure established over a century ago in S.C. Hastings trust.

Under AB 1566, non-student members of the Board would be appointed by the Governor with Senate approval. One seat on the Board would be designated for a student to be elected by ASH for a one year term. Non-student directors would be appointed for six-year terms and no director could succeed herself or himself. At least four of the directors would be non-lawyers. The appointment provision of AB 1566 is parallel to Article 9 of the California Constitution which governs the University of California.

Unfortunately, the by-law reform enacted by the current Board of Directors is more cosmetic than real. It is hardly enough to change the Board's predominant outdated approach when Hastings must begin planning for the 21st Century.

The catch in the Directors' scheme is that the affiliate directors' votes will have no legal effect. Under the terms of the new by-laws, any binding Board action must have an affirmative vote of a majority of the statutory directors. Thus it is possible that a measure favored by three of the statutory directors and six affiliate directors could be vetoed by three statutory directors, or a mere 20% of the Board's total membership of 15. This is not fair and open process. Rather, it is government by an entrenched minority.

Moreover, the Board gave the affiliate directors only three-year terms (except the student director's one-year term), unlike the statutory directors who receive twelve-year terms. Further, the new by-laws include a grandfather clause which provides that all the incumbents on July 1, 1980 can continue to hold office for at least six years, while half can remain for new twelve year terms. (Two exceptions: the Chief Justice's term would be coextensive with her tenure on the bench, and the director position reserved for a Hastings heir or representative would be unlimited.)

The good news is that directors can remain for no more than "two successive full terms," so that at least some of the statutory seats could turn over during this century. The bad news is that the Board retains its self-perpetuation power of filling its own vacancies under the new by-laws.

The affiliate directors will hold inherently second-class membership. Once they gain enough experience to deal with the College effectively, their relatively short terms will expire. In contrast, statutory directors can remain at Hastings for decades and maintain a stranglehold over school policies by simply surviving.

Although it may *look* larger and more diverse, the new, improved Board is unlikely to change the substance of its decision making. The new by-laws provide that the Board shall be "broadly reflective of the economic, cultural and social diversity of the State, including ethnic minorities and women; but it is not intended that formulas or specific ratios be applied in the selection of Directors."

Given the Board's other actions in this matter, it is difficult to accept these affirmative action commitments at face value. Is it not more likely that the all-male (save the Chief Justice), all-white Board will perpetuate itself by selecting token members of unrepresented groups who share the incumbents' social values, but without giving them the full rights of membership?

Those favoring the principle of at least partial self-governance should be grateful that the incumbents' efforts were so artless and clumsy. One might have expected a group of sophisticated professionals to got through the motions of using accessible procedures to give the appearance of serving the public interest.

But no. To appease its critics and to seek alternatives to the strong provisions of AB 1566, the Hastings Board of Directors established a committee composed of 4 Board members, 6 faculty, 3 alumni, the general counsel, and 2 students. At its one and only meeting, held during ghe middle of students' winter vacation (when only one of the students was able to attend), the committee considered a resolution that had been drafted prior to the meeting.

Despite some spirited student dissent, there was no discussion about the substance of the proposal, and it was quickly adopted by the drafting committee, and later the full board, without any substantive changes. In its "open" hearing, the Board's stacked committee outvoted the token student representative.

This episode epitomizes what seems to be the self-serving nature of current Board of Directors, and demonstrates the need to remove all the incumbents and restructure the system *fairly*.

The best solution would be to revise the Hastings trust to include the substance of AB 1566's provisions. As Hastings' general counsel noted in a letter to members of the Board, the trust provisions could be modified under judicial *cy pres* authority if all the parties to the original agreement (the State, the College, and the heirs of S.C. Hastings) approved the changes. This should be done in a manner which would leave intact the constitutional protection against legislative intervention, subject only to its provisions allowing the State to correct incompetence or corruption.

If the Board fails to agree to such a consensual arrangement, the Associated Students of Hastings, collectively and individually, should make passage of strong legislation to reform the Board a top priority in the next legislative session.

Student, faculty, community and bar groups should be prepared to challenge future attempts to circumvent progressive change. The interests currently represented on the Board can be expected to oppose new legislation on two grounds: (1) removing the Boards's power of self-perpetuation would violate the Hastings trust, incorporated into the State Constitution, and (2) it would politicize the College by inviting legislative intervention.

Even assuming, *arguendo*, that the courts would uphold the incumbents' claims about the illegality of the new legislation, this would not result in the best *policy* decision and it would tie things up for years with lengthy and expensive litigation. Hastings College needs a fair governance system NOW even if the century-old Hastings trust does not provide for it.

If the necessary legislation is enacted, the Board incumbents must be persuaded that litigation to hold onto their positions would be ill-advised. Such a suit would cast Hastings in the image of digging in its heels against constructive change by using dilatory legal tactics. It would dishonor and embarrass the Board of Directors, and would reflect badly on the reputations of Hastings students, faculty and alumni.

Some also warn that passage of legislation such as AB 1566 would politicize the College by inviting the Legislature to become involved in the daily administration of Hastings. Indeed, it is proper to avoid raw power in politics which can threaten legitimate academic freedom, especially for those holding unpopular views. However, it is the Board's own actions to avoid needed changes and the Board's failure to propose trust revisions incorporating the substance of AB 1566 that invites legislative concern.

It should be an embarrassment to the bar that, in 1980, a well-respected law school would try all the lawyer's tricks embodied in the Board's by-law amendments. They can only harm the profession's already tarnished public image.

This year, the failure of legislative reform was largely the result of the unfortunate leadership contest in the State Assembly. As soon as possible in the next legislative session, those concerned with really improving the governance of Hastings should work with Assemblymember Vasconcellos to re-introduce AB 1566 and secure its passage if the Board is unwilling to agree to a *cy pres* trust revision. It is time to clean up the Board with a REAL change and open up the educational process to all social, economic and cultural groups.

Letter to the Editor

Mansour a 'hatemonger'

Dear Editors,

I was one of the many who listened to Dr. Khalid Al Mansour discuss "The Iranian and Afghanistan Crises" on February 25th. Although I missed a portion of Dr. Mansour's speech, the last forty-five minues of his question and answer session, which ended at 6 p.m., gave considerable insight into the views and values he sought to establish. A forceful and eloquent speaker, Dr. Mansour seemed to succeed in raising an ethos of violence and hatred to legitimacy. I think it worthwhile to review his arguments and tear away any illusions about them.

Basically, Dr. Mansour is a hatemonger. To wit, he stated that whites would attempt to exterminate blacks when the American economy degenerated into a depression. To support this vision of the future, Dr. Mansour cited the recent Oroville slaying as exemplary of white people's attitudes towards blacks. He enthusiastically envisioned a scenario where black men would be getting on a Muni bus and extorting money from white passengers by threatening them with death. This conduct was explained as the only avenue available to a man who needs money to feed his starving family. The well-fed and well-clothed group of graduate students listening to this had no difficulty with the factual or moral perspective suggested.

Significantly, Dr. Mansour could not help mentioning that he carried a gun and had drawn it on a man on Van Ness after he had been called a "nigger." Professing himself "a peaceful man," Dr. Mansour considered it natural to draw a gun on some frustrated half-wit in order to salvage his self-respect. He pointed out to his audience the futility of using his legal education in that situation, preferring the 'self-help' approach.

Turning to the topic of Israel, Dr. Mansour accused Israel of racism. He pointed to Israel's investments in South Africa, and its dealings with Rhodesia as proof of its racist policies. This conveniently ignores the fact that many countries, OPEC and third world countries included, have dealings and investments in South Africa. It also ignores Israel's assistance to many African countries, e.g. Kenya, Uganda, both financially and technologically. The most disturbing aspect of Dr. Mansour's discussion on Israel was his categorical denial that Israel had any historical or legal claim to its existence. Yet Israel is a political fact, as is the dilemma they face with the claims of the Palestinians. As Israel must accommodate the Palestinians, the Arab world must learn to live with Israel. Considering the sacrifices the Israelis have endured in order to establish and protect their existence there, nothing short of armageddon and ruthless genocide will extinguish Israel. Dr. Mansour acknowledged this fact, but continued to deny Israel's right to exist and accuse it of racism. He foresaw a war designed to destroy Israel, but did not seem concerned.

Contrary to his assertions, Dr. Mansour is not a peaceful man. All of the solutions he offered his audience were violent, from the ultimate destruction of Israel to a race war in America. He pitted blacks against Jews and blacks against whites. He urges blacks towards a violent response or else to leave this country. After such a triumph of cynicism, will Dr. Mansour take responiblity for the antagonism, perhaps violence, that his rhetoric was designed to encourage? The world is full of prejudice and hatred, and there

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The latest in graduation garb can be rented from Peg in the Book Store. Congratulations Class of '80.

Parting shots from ungrateful grad

by Chris Lavdiotis

Okay, folks, so it's almost time to graduate, and you're all thinking about the big bucks rolling in this fall. No more inane "examination rules" read to us by power-hungry proctors. No more battling the omnipotent computer for add-drop superiority. No more bewilderment upon seeing the 22nd "revised" final exam schedule appearing after the eighth week of classes, courtesy of Room 111 ("This schedule is provisional—do not plan your classes around it—subject to change without notice.") Now what are you going to do?

Well, before you leave you may wish to take a parting shot at this school and its legacy to you, the latest departing class in a long assembly line of legal maniacs.

With whom should we start? I've always subscribed to the school of thought which says that if there's someone to criticize, you start at the top. With that in mind, let's take a look at the administration.

From our very first semester here it was apparent that to graduate from Hastings would require a great deal of pondering over the question why the most nonsensical and illogical decisions are constantly made in an academic setting. We saw that the replacement of a distinguished and dearly beloved professor was a painstaking exercise in futility. The idea of ever seeing an academic dean or any other higher-up is beyond the comprehension of those in charge of arranging such appointments ("Leave your petition here; pick up your rejection next Thursday"). Stonewalling the students seems to be the name of the game in administration; the school can function just fine without us, thank you. Room 111 has become the focal point for anguish, with all the little portable dividers barricading the bureaucracy from the legions of students who have the nerve to question the college regarding problems with class schedules and errors and omissions in official records. But it appears that all is well here; now we get to sign up to sign up to graduate. And next semester, the school ought to offer a class on administration in academia entitled "Room 111—An Exercise in Professional Frustration."

What about the library facilities? Everything seems fine here and should probably be even better in the new building. The present library is a perfect example of what a large study hall should be. Its setting provides for minimal distraction and the silence is overwhelming; the constant banter is never noticed ("Yeah, I suppose you never talk while twenty people glare at you, huh?"). Ever wonder why people always talk as loud as possible outside the third floor elevators, knowing full well that everyone can hear them inside the reading areas? Because law students are among the rudest class of citizens known to man. That's right, and you're included, those of you who wouldn't think of reshelving a book ("I thought it was automated "), or throwing an empty coffee cup in the garbage ("The busboy will get it"). Your arrogant aloofness has been shaped in this building and you will carry it with you into the profession, helping to perpetuate that rotten image of the law in the public eye. Better to change your attitude now, before those who think they know you begin to avoid you.

Perhaps the only semblance of reality in this place can be found in the bookstore. There the conversation can be anything but legal, and undoubtedly the wisest occupant of this institution inhabits the store each day. This school should tip its collective hat to Peg Meacham for all of her "inside"

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Not-so-fond memories of Hastings

By Steve Roycroft

As another stage of my life comes to an end, I cannot resist reminiscing and sharing some of the finer moments of my waning law school experience.

Remember first year orientation? The apprehension and fear that everyone but you came from Harvard with a 3.9 gpa in legal philosophy? The first few days of class when you found out these people only *acted* like they were from Harvard. Remember when Gilberts were shunned and the wisdom of eminent scholars such as Prosser and Corbin were gleaned from weighty hornbooks? (Neither do I; I was weaned on Gilberts and BAR.) Remember sitting in your first class, so long ago, with visions of Holmes, Cardozo, and McComb dancing in your head. The socratic method—such an enlightening experience. ("Um, er, uh, I'll have to pass today...")

Remember the first year professors? Professor Green, a magician who made civil procedure bearable. Sticking your neck out in Verral's property class. Neglecting to read the footnotes and *American Motorcycle* in Walsh's tort class.

Remember the second year? The smugness of knowing that the first year was just a fading memory. (That 67 in torts never faded though.) The enjoyment that resulted from watching the new first year students panic. (We were never *that* bad...) Remember Moot Court and the usefulness of the five error rule in furthering our legal careers. Remember the first on-campus interviews? (The excuses: I've never checked my class standing because I'm not interested—translation—bottom half; I chose to participate in Moot Court rather than write for a journal because the experience in advocacy is invaluable—translation—I was too lazy to enter the writing competition and went skiing over spring break instead.)

Remember your first part-time clerking job? Wearing your only suit and not knowing whether to feel proud and superior (*I've* got a job!) or pretentious and out of place (Why *am* I wearing a three-piece suit to class, anyway?) Remember asking yourself how you manage to work 20 hours per week and still have time to study and party? Remember which endeavor you sacrificed? Remember the first time you came to class drunk or stoned? (Remember volunteering in class—for the first time ever—that day, fool? Remember what you said?)

Ah, second year...when passing (*not* out...) in class was no longer a crime. Remember second year priority classes and the innovative computer course selection procedure? Remember corporations? Probably not, because the computer didn't give you corporations. Take heart, however; there are still spaces available in the 2 unit professional responsibility course.) Remember PI Lit, Justin's classes, Med Jur, and Corporate Tax? (Corporate Tax?)

Remember the third year? (It wasn't *that* long ago...) Being called on and not even mustering the enthusiasm or energy to feebly utter that immortal word, "pass." Watching the professor run through half the seating chart before anyone figures out which case he wants. Watching him or her run through the other half before anyone admits to having read the case. Fortunately, there was always a red-hot who not only had read the case itself, but the obscure cases cited in the footnotes as well.

Remember the recent search for that elusive position as an associate

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Parting shots from ungrateful grad

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advice on professors and books to panicked students, her outstanding wit and humor, and her general good spirits. The administration would do well to take a lesson from her on how to be civil while running a "business."

There are many students who believe that the administration and the Board of Directors really gagged when it came to planning the new building across the street. Apparently someone forgot to tell them that the student body will be using the place too. What about a gymnasium and some showers, you say? Well, you see, all of us are just passing through here, and we'll soon leave and then a new set of idealistic red-hots will take our place, and besides, a law school is for learning, not for fun. Lord knows that anyone who gets to this madhouse is not old enough to know that he/she should be in class instead of out having fun, so why give them the choice? "No one told you it would be fun here", they say, but we could at least have a bit of free recreation while finding this out for ourselves. "Well, there's the YMCA down the street", but I'll be damned if I'm going to pay to *play* some basketball. What the hell, though, we've got the Commons.

As each semester wears on, one finds himself spending more and more time there. This is where the student can make as much noise as he pleases, as big a mess as he chooses to leave, and as little sense as he has. There's the group of first year students fretting about proximate cause (no one can explain it, anyway). There's the band of second year students anticipating their last *real* summer vacation. There's the assemblage of third year cynics wasting as much time as possible ("She hasn't left here since 9:00 this morning"). Now, while we're at it, maybe I should speak to you about filth. You see, many of you reading this right now never clean up your mess. You leave it for the next guy, who really enjoys putting his elbow in the chili that's on the table because you forgot to stuff it in your mouth. And as you walk away from that table, sixteen people see what you've left behind and they start to mumble about what a lazy slob you are, and they tell sixteen more people, and now you know why no one wants to come to your house for dinner. Hey, don't call *me* self-righteous, I wait on your type all the time, and you don't tip too well!

While you're in the Commons, take a good look to the east of that concrete contribution to imaginative architecture and notice all the wonderful gourmet delights that await you: candy, smokes, soda, refrigerated sandwiches, vending machine coffee (known to sometimes resemble watered-down pea soup), and a microwave oven to jam your head inside of when you think you've decided that massive consumption of these student staples has driven you goofy. At least the "high quality" of the resident eatery's food is back, though there are some who might question whether it ever existed.

At least the Commons provide comical relief from the monotony of the classroom. The pinball and foosball machines are a great outlet for aggression, as well as an ample excuse for not venturing to the third floor. Kicked, pounded, tilted and generally beaten to death, these mechanical marvels provide the bulk of revenue for the funding of student organizations by ASH, and isn't that a sad commentary? Moreover, we do have a television which has got to blow up any time now and which comes in mighty handy in October. Let it now be proclaimed that the "soaps" shall forever take back seat to The Series!

We have had a lot of legalese pounded into our skulls these past three years, and a good deal of so-called "practical" knowledge has been offered ("There's a lot of money to be made in this area"). This emphasis on Reverend Ike's favorite subject makes one wonder what the primary motive behind the legal education really is. One enters these hallowed halls believing that the goal is to acquire the skills necessary to aid those in need of legal representation; but all along professors, friends and fellow students constantly bubble with enthusiasm and anticipation over how much money the new graduates will be making. Now, I'm not going to preach on the evils of money, or suggest that we should all work for free after surviving three years of punishment. But there is a real danger lurking behind the desire for more and more money, that being the loss of one's perspective. The legal profession lends itself to the potential for corruption ("Oh, come on now, Chris"), and the temptation for great financial rewards may be more than some people can resist. So what am I saying? Keep your noses clean. Fight the urge. Don't cop out. And what are you saying? "Who the hell does this guy think he is, telling us about 'copping out'?"

Well, you see, I've been here three years and have observed a lot of student behavior, as we all have, and you know as well as I that there are plenty of future lawyers here to whom you would never send a friend. That cut-throat attitude has infected many a mind and will be carried by some into their careers, lending credence to the already tarnished public image of the legal profession as being crooked. Maybe you are thinking "Aw, he's just being cynical", and it's easy to feel that way and be just plain glad that we won't have to deal with school any more. But this is more than just cynicism talking, these are perceptions which I'm sure most of us have had at various times. Perhaps it is because the negative aspects of the law school experience tend to overshadow the enjoyable elements that one overlooks the latter. We should be grateful for all the new friends we have made and the good times we have shared, for being able to learn from our mistakes while constantly repeating them, and for obtaining a quality education at a relatively modest cost. Soon there will be no more anxiety over staying up late studying and still not knowing a damn thing. We shall be in a unique situation, presented with an opportunity to do something good; not change the world, mind you, but to be positive in our thinking and creativity in helping those who need our skills. And although you may feel as if you are being stamped and stepping off of the production line as you are handed your diploma, try to regain a little of the idealism you had when you entered this legal factory.

To the professors of Hastings, we thank you for the initial fear, the perpetual knowledge, and the occasional bewilderment you have instilled in us. To the administration, we thank you for the room changes, the time changes, the course changes, the professor changes, and the exam changes. Perhaps the new academic building will bring a "change". We thank you for graduating us from a fine school. We hope that you, too, have learned from your mistakes. Finally, to ourselves, the graduating class of 1980, let us take note that this shall be the last time we have to don cap and gown, and hope that we can all say, "Once is enough."

Adieu.

Chol Soo Lee case

Frameup in Chinatown killing?

By Committee to Free Chol Soo Lee

Victimize with false testimony
While curtain closing symbol of
justice
Laughter of 12 strangers in air,
While my own perishing
Been pronounced dead
While still alive at 26.
Alive to take breaths in hope,
in anger,
While shadow of death
lingers on.
Living spirits arising,
While justice yet to come.
I embrace you soon with tears
of joy,
While a smile to hide
a thousand
bitter tears within.

The man who wrote the words above is a 27 year old Korean immigrant currently on Death Row at San Quentin. He has been convicted twice of first degree murder; so why do his words speak of injustice, of being victimized? The facts of this case have far more impact alone than any storyteller can give them...

It was the summer of 1973; San Francisco's Chinatown had been the site of twelve unsolved murders since 1971. Then-mayor Joseph Alioto vowed publicly to clean up Chinatown. On June 3, 1973, a thirteenth murder occurred—Yip Yee Tak, a reputed advisor of the Wah Ching gang, was gunned down at the intersection of Grant and Pacific before a horrified crowd of tourists and residents. The only witnesses who came forward were six white tourists, who described the killer as being a young Asian male, 18-25 years old, about 145 lbs., 5'6" to 5'10" in height. When shown mugbook photos, three of the witnesses picked a five year old picture of one Chol Soo Lee, as having a resemblance to the killer. Several other pictures were selected also.

On June 4, the day after the killing, Steven Morris was reading the *San Francisco Chronicle* over breakfast when he saw an article on the shooting. He called the police and spoke with Inspector Gus Coreris in Homicide, and told him what he had seen the night before. Morris and some of his friends were about to pull into a parking space at Washington and Kearny when another car backed into them and they "bumped bumpers." Morris saw three Asian youths get out of the car. Later, he and his friends walked around Chinatown, and paused at a bakery on the corner of Grant and Pacific. He heard something, saw figures moving, and realized that two of the men now standing in the intersection had been in the car that backed into him and his friends earlier. He was about 12 feet away from the closest person. He heard a shot and turned to see the third man in the street falling, mortally wounded.

With Morris' description of the killer's car, Inspector Coreris penned a memo to Inspector Frank Falzon, who then issued an APB (all points bulletin) on the car and the suspects, described by Morris as 5'8" and 5'10".

By this time, the police had become suspicious of Chol Soo Lee, based on the witness identification and the fact that Chol Soo had the same type of gun as the murder weapon. The police believed, erroneously, that Chol Soo's gun, the murder weapon and another gun previously stolen in a robbery were the same gun. Only a day before the killing, Chol Soo had accidently discharged his gun in the room where he lived; the police had the report, and began to build a case.

On June 6, at the request of Mayor Alioto, Inspectors Frank Falzon and John Cleary drafted a memo detailing three possible motives for the Tak killing, writing that a witness had seen Tak and "suspect" arguing only minutes before the shooting. In the subsequent proceedings against Chol Soo, both the June 4 APB bulletin and the June 6 memo were withheld from the defense counsel.

Police arrested Chol Soo the day after the inspectors wrote their memo. At this time Chol Soo was 20 years old, and stood at least 6 inches shorter and was about 25 pounds lighter than the described killer.

By June 11 he was in a police lineup, the only man there whose picture had also been in the mugbooks shown to the witnesses. Three witnesses picked Chol Soo out of the line-up, two picked other men, and one said that Chol Soo Lee was definitely not the murderer.

Interestingly, four out of the six Asian men in the line-up had moustaches, including Chol Soo, yet no moustache was ever mentioned by any of the witnesses in describing the killer. On the basis of this identification, Chol Soo Lee was charged with the premeditated murder of Yip Yee Tak.

The trial site was moved to Sacramento on April 4, 1974, over Lee's protests. The change in venue meant that the court had to appoint a new attorney, just two months before the trial was to begin.

New defense counsel Hamilton Hintz, Jr. barely had time to sift through any of the materials which had accumulated during the previous months, and then discovered that the three people who could substantiate Chol Soo's alibi for the time of the murder were suddenly not available — one had vanished, one had died, and one had moved to Taiwan.

The prosecution witnesses told their stories, the D.A.'s office made its case, and on June 19, 1974, Chol Soo Lee was convicted of first degree murder. Steven Morris was never called by either side.

Chol Soo got a life sentence and was sent to Deuel Vocational Institution in Tracy.

In the third year of Chol Soo's incarceration, he was housed with alleged members of the Nuestra Familia, a Latino prison gang. Alarmed over his possible classification as a gang member, he appealed the authorities' classification, and by March of 1977 was no longer officially known as an NF member. But the word had gotten around the prison, and Chol Soo was warned that his life was in danger.

Also during this period, Morrison Needham was transferred to Deuel. Needham was believed to have belonged to the Aryan Brotherhood, a neo-Nazi, white supremicist prison gang. A prison psychiatrist once described Needham as a "paranoid gunsel with a high violence potential," a gunsel being a "roughneck who pushes people around and uses them for his own advantage."

Needham had a history of attacking counselors and other prisoners, and was known to have had knives in his possession at various times. Needham told one psychiatrist that he would either "probably get killed or kill somebody."

On October 8, 1977, Chol Soo saw Needham on a collision course with him in the prison yard. As the men started to cross paths, a scuffle ensued, someone pulled a knife, and Needham fell fatally wounded. Claiming that Chol Soo pulled the knife, the prosecution charged him with first degree murder. Chol Soo claimed that Needham had pulled the knife and that he killed Needham in self-defense.

On January 29, 1978, the *Sacramento Union* published the first of two front page articles by Korean reporter K. W. Lee which questioned the verdict in the Tak killing. In response to the articles, a defense committee was formed in Sacramento during the following month to fight for Chol Soo's freedom.

In April, noted expert Cleve Baxter administered a two-day lie detector test showing that Chol Soo was telling the truth about his innocence in the Tak killing. Baxter said that Chol Soo's results were so clear that there was absolutely no ambiguity or confusion in the test results. The defense committee was elated.

The May 28 issue of the *Sacramento Union* had more good news for defense counsel. Leonard Tauman, a public defender assigned to the case, discovered the June 6 police memo while going through police reports he received through a discovery motion. Tauman showed the memo to the two attorneys who had previously defended Chol Soo—neither had ever seen it.

On August 7, 1978, Tauman filed a habeas corpus petition alleging that the prosecution withheld evidence from the defense. Tauman claimed that if all the information had been given to defense counsel, it probably would have raised at least a reasonable doubt as to the killer's identity, and would have at least reduced the charge to manslaughter.

On October 20 Superior Court Judge John Boskovich issued a show cause order placing the burden of proof on the prosecution on the issue of suppressing material evidence. By now, the Chol Soo Lee Defense Committee had retained noted attorney Leonard Weinglass to aid Tauman as defense counsel.

The media had begun referring to the case as the "Alice in Chinatown" murder, due to the surreal, clouded circumstances involved.

More mystery was added when the October 27 issue of the *Sacramento Union* revealed the existence of a witness only identified as X. X was a Chinatown resident who had witnessed the murder, recognized the killer, and was now prepared to say that it was not Chol Soo Lee he had seen running away from the murder scene. He had kept quiet all these years out of fear for his life in the Chinatown he described as a "jungle, dog eat dog...You feel like you are trapped in a cage. If you want to survive, you sure know who you don't mess with...."

X knew the killer by sight if not name and identified him as a sometimes member of the Wah Ching. X also knew Chol Soo by sight, and said he didn't think he associated with gangs at all. X was ready to reveal everything—except his own name or other identity.

Defense counsel requested that X be allowed to testify in secret before Judge Lawrence Karlton, who was presiding over the habeus corpus hearing. The prosecution was not impressed with any need for X's anonymity, and demanded he be unmasked. In light of subsequent testimony from other witnesses, Judge Karlton eventually determined that X need not even testify because other evidence was sufficient to support the petition.

But X's story thrilled the Chol Soo Lee Defense Committee. The organization, which had started as a small group in the Korean community, now had branches in Chicago, New York, San Francisco, Honolulu, Los Angeles, and Stockton. Benefits and rallies were staged to raise money and gain support for the cause; grey-haired immigrant women marched alongside their third-generation, blue-jeaned grandchildren in a display of community solidarity. —

The Sacramento newspapers followed Chol Soo's case closely; if he could get his murder conviction thrown out, it would eliminate the possibility of the death penalty for the second murder charge. Under the law, enacted in 1977, a person with one murder conviction must receive the death sentence in the event of another conviction.

With the aid of Steven Morris and the testimony of a police ballistics expert who admitted that Chol Soo's gun and the murder weapon were erroneously reported to be the same due to "time pressure," Judge Karlton granted the writ and threw out Chol Soo's murder conviction.

It was February 2, 1979, and Chol Soo should have been free. However, the trial for the Needham slaying had started three weeks prior to Judge Karlton's decision.

Tauman and Weinglass had attempted to get the second trial delayed while Chol Soo's guilt or innocence was retried in the Tak case. If he was innocent, then a conviction for the second murder would not carry the mandatory death penalty.

The Superior Court denied the request, and Chol Soo's trial went on as if he were still classified as a convicted murderer. That meant that all jurors had to state they were not against the death penalty; Chol Soo was under heavy security, and even chained in the beginning of the trial; all courtroom visitors were searched before entering. The Chol Soo Lee Defense Committee contends that the atmosphere of fear was created for the jurors, to make them see what a dangerous man they were trying.

When Chol Soo was asked to demonstrate how he struck Needham, he was not allowed to hold the knife — prosecutor Ken Meleyco alleged that Chol Soo was trying to impress the Nuestra Familia still at Deuel, and would just love to carve up a judge or prosecuting attorney to achieve such an end. Yet, the most damaging witness against Chol Soo, Ray Contreras, was allowed to hold a knife and describe in graphic detail how to kill a man — the way he claimed Chol Soo knew how to kill. Contreras was an NF defector who turned state evidence — and was granted immunity for nine murders and given a new identity out of state.

The defense team had other problems. The investigator for the case died the morning of the trial, and delay was requested but denied. The prosecution contended that Chol Soo was a head man in the "Asian Family" prison gang, a mysterious organization which was supposed to do hit-jobs for the NF, but whose existence was denied by prison officials. (At the time of the Needham killing at Deuel there were 26 Asian inmates at most.)

The prosecution was allowed to tell the jury that Chol Soo was a convicted murderer; Judge Papas denied a defense request to tell the jury about the writ of habeus corpus. A prosecution witness from the Tak trial was allowed to testify that Chol Soo was the Chinatown killer; however, Steven Morris was not allowed to testify to the contrary. All along, Chol Soo maintained it was self-defense.

" *Continued on page 11*

Abortion case headed to Supreme Court

Constitutional Hyde-and-go-seek

by Judith Bendor

Federal District Judge John Dooling set an historic precedent on January 15, 1980 when he ruled that the Hyde amendment's restrictions on funding abortions violated women's First Amendment rights on conscience, the right to choose whether to bear a child. (*McRae v. Harris, E.D.N.Y.*) Dooling also found that the Hyde amendment violated women's rights of privacy, due process and equal protection. Thirteen other courts have held the Hyde amendment illegal on a variety of grounds.

The Hyde amendment, which appears as a rider to HEW's annual appropriations, permitted Medicaid funding for abortions only when the mother's life was endangered, when a victim promptly reported a rape or act of incest, or when two doctors certified that the mother's long-term *physical* health would be severely damaged if the fetus were carried to term. As a result of Hyde, the number of Medicaid abortions dropped from 250,000 a year pre-Hyde, to less than 3,000 in 1978.

Judge Dooling ruled that the federal government and participating Medicaid states must pay for all medically necessary abortions. Medical necessity is to be determined by the woman's doctor in light of all relevant factors, including physical, emotional, psychological, familial and age considerations. The Supreme Court has agreed to review the *McRae* opinion concurrently with *Zbaraz v. Quern* (N.D. Ill. 1979) 460 F.Supp. 1212. Judge Grady held, in *Zbaraz*, that the Hyde amendment violated the Fourth Amendment. A decision is expected on both these cases by early July. But the Court, by a 6-3 vote (Burger, Powell and Rehnquist dissenting), refused to stay Judge Dooling's order requiring the funding of medically necessary abortions.

Sophisticated Strategy

In reading the 329 page opinion, it is clear that the plaintiffs (including Planned Parenthood, numerous doctors, the Women's Division of the Board of Global Ministries of the United Methodist Church) and their counsel (the ACLU and the Center for Constitutional Rights) have adopted litigation strategies from the civil rights movement in general and from *Bakke* in particular.

The plaintiff's interests were truly opposed to those of defendant-intervenors Senator James Buckley and Representative Hyde. The trial lasted over a year, resulting in over 6,000 pages of transcript, and 800 exhibits. Thirty witnesses presented testimony on socio-economic conditions, medical practices, and religious views. Judge Dooling took over 13 months to reflect and then write this historic opinion.

During congressional debate on the Hyde amendments, there were no hearings or committee reports. While the level of congressional rhetoric may have waxed eloquent, the factual basis for the Hyde amendment, and the medical consequences of the amendment, were woefully lacking from the legislative history. The *McRae* trial and resulting opinion filled in the factual gaps left by the highly polarized Congress.

Dooling noted that neither side in Congress was "remotely sensible of the evils that the other side saw clearly and sought to efface...." There was no pretense of mature deliberation, but rather "[b]oth houses viewed the issue as a moral and not a financial issue....[T]hroughout there were references to religion and morality." The court found that the proponents of the Hyde amendment viewed the rider as a means to actually prevent abortions.

Medical Issues

Any delay in obtaining an abortion places a woman at greater risk. Past the eighth week of pregnancy, every week of delay increases the risk of complication by 20% and the risk of maternal death by 50%. By the thirteenth to fifteenth week the death risk is 13 times the risk at 8 weeks. Thus a statute which puts impediments in the way of obtaining an abortion by requiring a second medical opinion, or requiring that a situation "blossom" into a life endangering situation, significantly increases a woman's medical risks.

Since the mortality rate for abortions is 1.4 deaths per 100,000 abortions, denying a woman an abortion subjects her to a 7 to 25 times higher possibility of death. (Don't read *McRae* if you want to hear about the glories of pregnancy.)

Dooling found that the Hyde life endangerment standard is a concept totally alien to the practice of medicine. "[T]here is neither a closed list of life threatening conditions....nor a compilation of risk factors cutting across disease conditions" that the medical profession could use to define life endangerment. Nor can potential life threatening conditions be accurately predicted. Waiting for a condition to "blossom" to a certainty into a life threatening situation is a practice repugnant to good medicine. Such a standard would inevitably lead to increased complications and deaths.

Denying poor women abortions effectively denies them a basic necessity of life. For poor women have "no significant alternative to Medicaid....welfare recipients must live at a miserable and humiliating level of bare subsistence, and...they are without means to pay for abortion[s]." Dooling found that poverty itself was a prime factor in increasing the medical risks of pregnancy.

There are also racial elements to be considered. The maternal mortality rate for black women is more than 3.5 times higher than for white women (35.1 deaths per 100,000 live births as compared to 10 per 100,000). A significant part of this horrible disparity may be related to economic factors.

Any medical problems are heightened when a woman who doesn't want to carry a fetus to term is forced to do so by economic coercion. Medical testimony showed that a woman's psychic health is inexorably intertwined with her overall health. Yet the Hyde amendment ignores this medical view, and restricts abortions to severe, long-term *physical* conditions.

In sum, the Hyde amendment produces "crisis intervention" medicine. Such medical Brinks-womanship has little or nothing to do with promoting women's health.

Religious Debate

The *McRae* opinion is fascinating because it delves into different religious views on when life begins, the relation of individual conscience to the concept of God, the importance of life on earth versus the hereafter, and so forth. Had this been a medieval trial, the court might have resolved the question: "when does life begin?" But Judge Dooling was faced with an array of religious views and the protections of the First Amendment.

Rabbi David Feldman, for example, testified that in Conservative and Reform Judaism the fetus is not a person; no person exists until the baby's head emerges during birth. The woman's present life and health on earth, rather than potential life, or life in the hereafter, is the primary concern in liberal Judaism. A threat to a woman's mental or physical health is equated with a threat to her life and such concerns take precedence over concern for the fetus. The woman has the final decision whether to carry the fetus to term or to have an abortion.

Orthodox Judaism and Catholicism share some common religious precepts in that they both believe that a woman's body belongs to God, not to herself. In Orthodox Judaism an abortion is allowed only when the mother's life is clearly threatened. In such cases abortion is akin to justifiable homicide, killing in self-defense.

But the Catholic Church, which distinguishes between direct and indirect abortions, finds even the Hyde amendment too liberal. According to Catholicism, human life begins with fertilization. (This religious view was embodied in a Louisiana "informed consent" abortion statute which required that any woman seeking an abortion had to be instructed that life began with fertilization. The statute was recently held unconstitutional.) Since this life exists and is innocent, it is immoral to kill it. The Church doesn't allow the preference of one innocent life over another. Thus the Hyde life endangerment standard is too liberal in the Catholic view.

Public opinion polls show a considerable gap between the official Church position and American Catholics' views. 82% approve of a first trimester abortion if the woman's life is threatened; 57% approve if her mental health is threatened; 46% approve if the pregnancy was caused by rape or incest.

The American Baptist Church witness testified, in contrast, that abortion is a matter of personal decision. Under Baptist teachings, the "liberty of conscience itself [is] the most precious single principle." People have the right to elect for themselves whether to have families; marriage does not require procreation.

In the face of such an array of religious views, Dooling, himself a Catholic, concluded that "[t]he irreconcilable conflict of deeply and widely held views on this issue of individual conscience excludes any legislative intervention except that which protects each individual's freedom of conscientious decision and conscientious nonparticipation." The abortion decision "is an exercise of the most fundamental right, nearly allied to [a woman's] right to be, surely part of the liberty protected by the Fifth Amendment, doubly protected when the liberty is exercised in conformance with religious belief and teaching protected by the First Amendment...." The Hyde amendment therefore violated women's First Amendment right to choose, to exercise a fundamental right.

What's Next?

Regardless of the Supreme Court opinion, the abortion issue will continue to be fought out in the political arena. For example, foreign aid for abortions has been restricted. Legal Services Corporation attorneys are being restricted from litigating abortion cases. Abortion rights are not protected under recent Title VII amendments.

There is a continuing effort to adopt a constitutional amendment granting the fetus personhood status, and thereby providing certain constitutional protections. With a little dash of equal protection, the fetus could have more constitutional rights than its Mom. You can see it now...the state suing to enjoin the mother from "licentious behavior" while pregnant. And so on...

I do question whether the Hyde supporters' asserted moralistic concern for the fetus is truly grounded in humanism. Do those who oppose termination of pregnancy also support legislation which would enable the resulting children to more truly share equally in life's bounty? Do these Hyde supporters favor increased welfare expenditures, more child care centers so the parents can work, more programs providing jobs for youths? Somehow I think not. I think that in this Hyde "shell game" there is an element of retribution, the feeling that "if you screw, you have to pay your dues."

For a few months, we will have Judge Dooling's enlightened words to remind us that the choice of whether to bear a child is a fundamental right, a basic liberty interest. For the future, women's bodies will continue to be the focal point of political struggles.

Meet MEP: how to get classes

In an effort to simplify course selection while maximizing office effciency and avoiding early semester uncertainties, the Records Office has restructured course selection, registration and drop/add procedures.

Selected courses have been organized into clusters called Multiple Enrollment Patterns (MEPs). Next year's second year students will choose from among five MEPs and nine different MEP courses between April 7 and 9. All other course selection will be handled by mail during the summer, and with drop/add taking place the week before school begins. Schedules will be final by the first day of classes, September 2.

Two major pitfalls await unwary students with disaster the consequence. Each person expecting to enroll must provide the Records Office with labels bearing the address where he or she can receive registration and course slection material during the summer. Should a student fail to provide the correct address and therefore not select courses by mail, drop/add on August 27 and 28 will be the only opportunity to select courses. In addition, if registration fees are not received by August 28 the student will be dropped from all class rosters and his or her choice of courses will be limited to the few with seats available after drop/add.

Between April 7 and 9, current first year students will choose which MEP courses they want for the 1980-81 academic year. The classes have been clustered so as to permit a student to take at least three courses and up to five courses as a MEP. Altogether nine courses have been designated MEP courses so second year students will have priority over the prospective third year students in selecting Constitutional Law, Corporations, Evidence, Criminal Procedure, Federal Income Tax, Community Property, Trusts & Estates, Secured Transactions and Sales.

The order for choosing courses will be by lottery number within each round or category. The first round of class assignments will be to the prospective second year students who select one of the five MEPs offered. In the second round these same students will get first choice at the remainder of the MEP courses. After all persons enrolling in a MEP have also gotten seats in MEP courses requested, those second year students not choosing a MEP will be granted seats in MEP courses subject to seat availability and time conflicts.

Assume, for example, that A desires a cluster offered as a MEP but B is dissatisfied with all MEPs and therefore selects only individual courses on his priority sheet. A would be given the courses in her MEP and then any of the MEP Courses not filled by others taking MEPs. Only after all of A's requests for MEP courses have been denied or granted will B's requests for any MEP courses be considered. Thus, there is a real inducement to enroll in a MEP.

Current first year students desiring non-MEP courses and all current second year students will select courses by mail during the summer. The computer will first allocate seats remaining in MEP courses to the prospective third year students, then will allocate seats in non-MEP courses to third year students so the entire schedule of each third year student will be completed before the second year students will be eligible for enrollment in any non-MEP courses. Seats will be available in Bar courses for all third year students although not necessarily in the particular course/professor/time combination selected as a first of second choice.

In the above example, C, a third year student would be assigned a MEP course only after the MEP course alternatives on A's and B's priority lists were considered. However, C's priorities for non-MEP courses would all be considered before any of the requests for those courses by A or B.

The purposes of establishing the MEPs system is to give some defined order to course selection, to assure all students access to Bar courses and prerequisites by minimizing time conflicts between the courses in any one MEP, and to afford third year students priority and broader selection in choosing the more specialized subjects. Surveys of current first year students' preferences and Bar courses needed by current second year students have been taken and will assist in allocating the amount of class space for each of the MEP courses.

Drop/add has also been modified with review continuing in an effort to reduce lines and confusion. Students will fill out drop/add forms August 27 and 28 and will be encouraged to present several alternatives since drop/add will commence in lottery number order with each student having one alternative granted, if any of them can be granted, before the next student in the lottery is considered.

New forms and instructions are being created which will clarify the entire process. Because drop/add will take place the week before classes begin, the schedules will be finalized and professors will have class rosters when the doors open on September 2. Petitions will then be accepted but will be granted only in exceptional circumstances.

Registration, which must be completed by August 28 to reserve classes, will be done at school August 27 or can be done by mail. It is critical that the Records Office be appraised of a current mailing address at all times during the summer.

Ms. Dorothy MacKay-Collins, speaking for the people involved in the renovation of the course selection process, said "We firmly believe the Second Year MEP system is a much more equitable method of granting more students their requests and obviously from the student point of view it will be much easier to work out your full schedule without bumping into time conflicts once the MEP courses are selected and confirmed."

Chumps

Continued from page 1

Angeles and San Diego areas, Northern California, and out-of-staters Oregon, Arizona and Brigham Young.

Playing five games in 40 hours, Hastings began its push to the title against Santa Clara on Friday night, breaking open a close game and running away with an 80-47 victory, and continuing early Saturday morning by demolishing an outmanned Oregon team, 73-13.

Then, in the quarterfinals on Saturday evening, Hastings was defeated by a classy Brigham Young team, 71-64, on the strength of 19 for 22 free throw shooting by the Cougars, and was apparently finished from tournament play. However, at the tournament dinner on Saturday night, it was announced that Brigham Young could not play on Sunday, due to the restrictions of the Mormon faith, and that a draw would be held among the quarter-final losers to determine who would advance to the semi-final round. You guessed it. The Chumps won the draw, were granted a reprieve, and were scheduled to play Sunday morning at 9:00 a.m., against UCLA, so all the players immediately left behind the free beer provided by Lowenbrau and headed home before curfew.

On Sunday morning, while the UCLA team was warming up and subtlely hinting that Hastings was there on a break (no argument here), the Chumps were loose and primed to beat *anybody* from Southern California. Behind 32-28 at halftime and by 8 points early in the second half, Hastings mounted a steady comeback with patient shooting and a pressing defense, forcing numerous UCLA turnovers and producing fast-break situations, and won going away, 69-63. So now we were in the finals, and the host San Diegans were really grumbling about how Hastings didn't deserve to be playing for the title, after USD defeated McGeorge to advance to the finals on their home court.

With three hours to kill before the last game, the players went through the interminable changing of wet jocks and dirty socks once more, looked futilely for new legs, and caught a few rays in between. In the first half of the final, San Diego broke open a 19-18 lead and pulled away to a 48-34 halftime advantage over a weary and somewhat lethargic Hastings team. However, the second half started with eight straight points by the visitors, two baskets by San Diego, and then another seven point run by the Chumps, who now had the Toreros on the ropes. The game see-sawed a bit until Hastings pulled even at 68 behind excellent outside shooting by Marty Moroski, Don Hamman and Rod Thompson, and a trapping zone defense which upset the host team and produced a 76-70 lead with four minutes remaining. But alas, San Diego made the shots at the end and successfully defended their title.

Continued on page 11

ASH Council votes $$

The ASH Council voted in early February to adopt a revised budget eliminating, among other cuts, one previously budgeted issue of *Law News*. This action was taken as part of an overall budget revision because of an anticipated $3,000 income shortfall.

The 1979-80 ASH Council adopted in September, a budget of approximately $24,000. The budget included projected income of $6,500 from pinball and foosball. That estimate was based on income figures provided the Council by the 1978-79 Council. To date the machines have provided only $2,100 in income.

The *Law News* costs ASH approximately $1,100 per issue. Therefore, the Council elected, on advice of the Finance Committee and after extensive hearings, to eliminate the last *Law News* issue as part of an overall $3,000 budget cut.

April 15—think Law *Revue*, not taxes

"If the Russians don't withdraw from Afghanistan by April 14th, then the Hastings Law Revue will proceed as scheduled on April 15th," said Adam Englund, student director of this year's theatrical extravaganza.

"We will continue to look for other sites until mid-March, but if there is no sign of troop withdrawal by then, we plan on having the show at Hastings," he said.

Englund made his remarks to a roomful of journalists at a hastily called press conference in the East Wing of the Hastings Commons. He termed the ultimatum a drastic but necessary step.

"Further actions are not contemplated at the present time," said Englund, "but will be discussed if the need arises." Although reluctant to answer questions concerning the possible nature of such actions, Englund admitted that forcing the entire Hastings community to attend the Law Revue was under consideration.

The Law Revue is an annual tradition at Hastings during which an audience of students, faculty, and administrators trys not to drown in a sea of talent produced by their peers. The cruise is similar to Love Boat where many would-be celebrities attempt to entertain you with a dearth of talent. The traditional afternoon performance is essentially Hastings' answer to daytime television.

Observers expressed little hope for the Hastings community as it is not likely that the Russians will withdraw in time to meet the deadline. Although ASH representatives felt that secret negotiations with the Kremlin might avert the threatened performance, their hopes were suddenly dashed when they received a telegram of sympathy from Leonid Brezhnev. He suggested that perhaps hostages could be taken from among the performers.

In a private interview with this reporter at the Federal Cafeteria, Englund expressed disdain for the Soviet leader's message. "If he thinks he can mess around in the internal affairs of the Law Revue, he's wrong," said Englund.

Outwardly, Englund appeared to be a man with a sense of purpose as he forcefully dug his spoon into a plate of tuna noodle casserole. Quaffing that down with a glass of Gator aid, Englund exhibited the toughness born of deep moral conviction.

Drawn into conversation, however, it became clear that Englund is a man who has no moral convictions. His plans for the Law Revue include featuring the same sleazy acts that have given the show its infamous reputation. "This year," he said, "we're going to open with the rugby club and build from there."

Also named as a repeat offender was last year's showstopping musical act — the Blues Brothers. Englund would not confirm rumors that the World's Only Plant Act would also return like a perennial weed.

The particulars: Music begins at 2:30, with curtain call promptly at 3:00. Admission is $2.00. Smoking is prohibited.

Food will be served by the Hastings Child Care Center with all sale proceeds going to that organization. And as always, there will be free beer and wine.

Mansour *Continued from 3*

are those who prey on these human weaknesses for their own political ends, whether Hitler, McCarthy, Wallace or lesser illuminaries like Dr. Mansour. It is disquieting that that BALSA, Dickinson Society and Hastings Republicans would sponsor such a man. Even more disheartening was the round of applause Dr. Mansour received at the end of his diatribe. It is sickening to be in the midst of approval for such a man and his machinations.

Sincerely,

Rory Campbell, Loc. No. 1337

Housing clinic gives new lease on life

by Mimi Lavin

A group of Hastings students recently opened the Tenderloin Housing Clinic to provide assistance to residents and tenant groups seeking to protect their housing, as downtown developers eye the area with speculative gleams.

The Clinic, which opened its doors on March 3, operates out of a clean, small office in the Glide Memorial Church Annex on Ellis Street. The staff, a group of about 15 Hastings law students, is available five days a week to offer information on California landlord-tenant law and on the intricacies of San Francisco's rent control ordinances.

Inspiration for the creation of the Clinic grew out of impatience with Hastings' foot-dragging in implementing a public interest law program. Explains David Borgen, a second-year student at Hastings, "We wanted to demonstrate that there was no reason why there couldn't be a clinic in the area."

The Legal Services Committee was formed last fall to investigate the possibility of starting a housing clinic, and long months of organizing activity—recruiting, fundraising, and the inevitable meetings—ensued.

The Clinic's organizers are pleased with the results. "Community response has been pretty good, considering it's a brand-new clinic," Borgen said, "Our phones have been ringing." He notes that existing legal assistance groups are already flooded, and that the Clinic has been picking up some of the overflow.

Training for the participants was provided by volunteers from the Eviction Defense Center, another San Francisco housing assistance group. In training sessions conducted over three full Saturdays, students learned the general contours of landlord-tenant law, procedures for appealing rent increases, and the complexities of eviction defense.

By providing participants an opportunity to put their knowledge to practical use, the Clinic helps overcome what organizers view as a gap in the Hastings curriculum—the lack of practical training, especially for first-year students.

Adjunct to Downtown

Tenderloin Housing Clinic organizers feel that assistance with housing problems is a particularly appropriate service to offer to Hastings' neighbors—the elderly and poor residents of the Tenderloin district.

An incipient movement to upgrade the Tenderloin threatens the housing security of its presents inhabitants, underlying the highest neighborhood eviction rate in the city. "Hastings is located in an area which the people who are running this city want to change into another kind of area," says first-year student Randy Shaw, one of the Clinic's founders. The housing crisis in San Francisco leaves few options for those on fixed incomes.

Shaw points out that elements in San Francisco's rent control ordinance aggravate the eviction problem. "The vacancy decontrol provision makes a landlord eager to evict because as soon as a tenant moves there's no limit to how high the rent can be raised," he says.

Landlords' incentive to evict is enhanced by the knowledge that most of their tenants, easily intimidated by legal forms, will simply accept what might be a completely unfounded eviction. "Have you ever read a summons and complaint?" Shaw asks. "It's hard enough for us, and we're law students." Few Tenderloin residents will even contemplate the expense of consulting a lawyer, he adds.

Phantom Notice

Another tactic used in the Tenderloin, the "phantom notice," saves a landlord the trouble of filling out forms. A tenant gets an informal call from the owner or manager of the building, "speaking as a friend," and is advised of plans for substantial rehabilitation in the near future. Grateful for advance notice, the tenant vacates, the rent is hiked, and the substantial rehabilitation never takes place.

The community is in "desperate need" of the services the Tenderloin Housing Clinic can offer, Shaw feels. Clinic staff will help a tenant decipher an eviction notice, fill out motions to get an extension or quash service, and will assist in filing a demurrer or even an answer.

Conceding a certain ambivalence in their feelings about upgrading a depressed area like the Tenderloin, Clinic members maintain that fairness has its own kind of charm.

"We'd like to see the neighborhood upgraded too," insists Chris Tiedemann, "but not if it means throwing these people to the wind. Many people have been in the Tenderloin for twenty or thirty or forty years. Everybody knows—developers, landlords, and Mayor Feinstein all know—that there's nowhere else in the city for these tenants to move to once they're evicted."

Besides assisting in challenging an eviction, Tenderloin Housing Clinic staff can teach tenants how to appeal a rent increase before the San Francisco Rental Appeals Board. General advice is also available on rent payments, repairs, habitability, leases, privacy problems and other aspects of life covered by California landlord-tenant law.

A lawyer's skills are not necessary for the kind of assistance and advice the Clinic provides, members feel. "We make people aware of what their options are," says Karen Greneisen, the only non-student volunteer on the staff. "We do not make their decisions for them, though, and we stress that we are not attorneys."

Funding for the Clinic remains a problem. Initial support came from student groups at Hastings: A.L.S.A., Clara Foltz Women's Union, N.L.G. and P.I.L.A. Armed with endorsements from State Assemblypersons and San Francisco Supervisors, the Clinic is seeking further funding from government and private organizations.

Participants hope to expand the Clinic's staff over the summer with an influx of students released from school worries and responsibilities. "People with a part-time or even full-time job may have a few hours a week to spare," says David Borgen, "and the Clinic offers a tremendously rewarding experience."

Students interested in information about the Tenderloin Housing Clinic may contact the staff at 776-8151.

Tenant wins due process fight vs. Hastings

S.F. Municipal Judge Axlerod (Hastings alumnus), in a decision rendered shortly before the end of last year, held that Hastings (represented by Hastings alumna Aletha Owen) had violated the due process rights of a tenant in attempting to evict him without due cause.

John Higgins, a tenant in Hastings owned property at 270 McAllister Street, was served with a 14 day notice to quit which stated no reason for the eviction. Good cause to evict a tenant is required under the S.F. Rent Stabilization and Arbitration Act which went into effect last summer. However, government-owned property is exempted from the act.

San Francisco Neighborhood Legal Assistance Foundation's Central City Office represented Higgins in the unlawful detainer action. Staff Attorney Bob Capistrano (Hastings alumnus) argued that Hastings had violated the defendant's due process rights under the state and federal constitutions by not at least apprising him of the reason for the eviction.

Higgins' expectation of the renewal of his tenancy was argued to be a property interest within the meaning of the due process clause. This expectation arose both from the lease itself, which only stated the failure to pay rent and the college's need for the premises for school purposes as reasons to end the tenancy and from the good cause standard for eviction established by the Rent Stabilization Act governing privately owned property.

Capistrano placed heavy reliance on a 1955 Cal. case, *Housing Authority* v *Cordova*, which held governmental landlords sto a higher standard than private property managers, stating that: "it is fairly obvious that a public body. . .does not possess the same freedom of action as a private landlord, who. . .may terminate their [the tenants'] tenancy either without any reason regardless of how arbitrary or unreasonable it may be."

Students rap admissions handling

Continued from page 1

On behalf of the five LEOP Associations, a memorandum from the Special Admissions Coalition decried the committee's proposal as "arbitrary and unacceptable." The memorandum pointed to the number of student groups expressing a "valid interest in developing a reasonable affirmative action program," and declared that allowing greater student participation "is in conformity with the principles of democracy and the free-flow of information."

The memorandum refused to endorse Henson's proposal that some committee meetings would be closed to non-committee members. Closed meetings "will only lead towards mistrust and confrontation," the memorandum said.

For the time being, student representatives appointed by ASH President Nacua are attending Admissions Committee meetings. At presstime, there was confusion over exactly what these representatives could say and do before the committee.

The student representatives believed that they would be allowed to participate in debate but would not be given a vote, student sources said. But Henson refused to recognize student representatives at the committee's March 18 meeting. He claimed they were allowed as mere observers, student sources said.

As committee member Sue Tuskes attempted to move that the newly-appointed students be given an opportunity to speak, Henson stormed out of the meeting, sources said.

The students were later heard out by the rest of the committee, without Henson.

"He's just playing parliamentary games with us, said Women's Union representative Teresa Daly.

In an interview with the *Law News*, Henson said he "was not opposed" to student participation on his committee.

"If someone on the committee wants to make a motion to allow one of the representatives to speak, or to make a proposal, then that is their right." he said.

Henson said that if the committee voted to allow the representatives to speak, they could.

As for opening up the meetings, Henson said he would call for a "public hearing" if a matter came up before his committee "of broad interest" or of "significant nature."

He said the committee would decide what exactly is a matter requiring a public hearing. He would not oppose a public hearing on an issue if the committee voted to call for one, he said.

As of presstime, Henson said there were no matters of such significant nature before his committee. The committee has met three times this academic year.

He also said he did not foresee a discussion of the college's admissions policies this year, "but that could change tomorrow," he said.

Meanwhile, students are still puzzled over why the committee is attempting to limit discussion on what is, to the students, a matter of vital concern.

"I don't know what they fear," said La Raza representative Maria Leon. "I guess they just don't want us to be in there."

"We want to keep our program intact. They want to take it away from us," she continued.

ASH President Nacua was "dismayed" at the whole chain of events.

By behaving as he has, Henson is building-up walls between students and faculty," he said.

"If students are interested in an issue, what's wrong with letting them participate?" he said.

Candidates speak their piece

Allen Bromberger, for ASH V-P

This year, Hastings students have an opportunity to demonstrate the qualities of judgement and vision which have made us legendary nationwide. You have the opportunity to fill an essentially ceremonial office with someone perfectly qualified to fulfill its responsibilities. (I have participated in a variety of ceremonies, ranging from Peruvian yak-feasts and holistic spiritual revivals to attendance at Constitutional Law lectures on occasion.)

I can honestly say that I have the potential for being the most outrageous ASH Vice President in recent history if given the opportunity by the voting public of Hastings. Those of you who know me will agree. I have backed virtually every outrageous event at Hastings, and have been thwarted from supporting others. In addition, there is a very real possibility that I will not even be here next year, which would boost my effectiveness even further.

But seriously folks: I am running out of a genuine concern for student affairs at Hastings. I have sat on the ASH Budget Committee and have chaired the ASH Elections Committee. I know the Deans and have tried to work cooperatively with them whenever possible. I have strongly supported open participation in all Hastings scholarly and administrative decision-making processes. Help me help you by electing me ASH Vice President on April 14-17.

Eric Liberman, for ASH President

The job of ASH President is one which requires a great deal of time, experience and devotion. As a second year ASH representative, I have become familiar with the processes involved in our student government. Further, as a member of the ASH Budget Committee, I am intimately aware of the all-important financial affairs of our school. I feel that a good knowledge of the budget (i.e., who it goes to, and how it gets there) is a prerequisite to fulfilling the duties of a President. I have also developed a fine working relationship with the faculty and administration, through my membership on the Curriculum Committee. For these reasons, I feel I would be able to do an excellent job as President of the Associated Students of Hastings.

My positions on the "issues" are as follows:

1) I support the institution of a public interest law program at Hastings. To this end, I have been an active member of PILA, and give my full support to the legal avenues which are currently being pursued by that organization. As a public institution, the school owes a duty to its students to train them in *all* areas of the law, so they can best be able to serve our community's needs.

2) I am committed to the maintenance of a strong LEOP at Hastings. Once again, we are a public institution, and as such, we must continue to keep our doors open to all of the public. I will continue to support our LEOP groups, and strongly oppose any efforts to dilute the program as it exists today. Specifically, I support the participation of *all* interested students in the admissions process, and not merely a restricted participation of a non-voting "representative" six person group.

3) I will continue to advocate the giving of the greatest support possible to the Hastings Child Care Center. Last year I ran as a write-in for President as the "day care candidate," and my commitment to the Center remains just as firm today.

Roderick McLeod, for Bd. of Directors

I am running for the position of student director on the Board of Directors because I think I have some good ideas that, if implemented, can make Hastings a better place. I feel Hastings is becoming overly institutionalized to the detriment of its students. In short, I think Hastings can be made to run better.

As a student representative on the Board of Directors I would act to be a responsive liaison between student needs and the other Board members' views.

At present my ideas to change Hastings so that it is more responsive to student needs are the following:

1) Administrative support services should be made more responsive to the students. I would try to require all offices to be open during lunch hours. More effective and knowledgeable liaison with the local VA office is needed because of the number of vets enrolled as students. Some form of grievance procedure should be instituted for foul-ups in course scheduling that seem to come from the Records Office with distressing regularity.

2) I would lobby for a four-day school week, a schedule which I feel would be a better schedule for everyone involved.

3) I would lobby strenuously for continued emphasis on the Legal Educational Opportunity Program (LEOP).

4) I would attempt to convince the Board that Hastings can and should be of service to all the communities within the Hastings student body, as well as the communities where the students come from. The establishment of a Public Interest Law curriculum is an example of the kind of service Hastings should promote.

5) Lastly, I would fight to give the student Board member a voting voice in all Board decisions. At present, the student rep. has no vote.

Voting for me will get you the following qualities:

1) a willingness to help Hastings become more attuned and responsive to student needs.

2) an effort to be accessible to any and all student input.

3) the honesty to be a true representative of the views of the general student body.

4) Lastly, you'll get a person who is not afraid to butt heads with anyone, and who you can count on to give you a direct and honest answer.

If my views are in accord with yours, then vote for me. If our views are different, then find someone with similar views. But whatever you do, I urge you to vote. A united voice from the student body is needed to effect change at Hastings.

Bob Famulener, for Board of Directors

QUALIFICATIONS: Second-year Hastings student; Executive Vice-President U.C. Berkeley Student Body 1969 and 1970-71; Chairperson, Berkeley Student Body Finance Committee ($2.8 million budget); Election Chairperson, People's Park and Ethnic Studies College Fee Referendums; Director, *The Daily Californian* Publishers Board; Chairperson, Berkeley Student Senate; Observer, Hastings Board of Trustees Meetings; Director, Students of Berkeley, Inc.; Research Assistant, U.C. Graduate School of Education.

ISSUES:

1) Due to Hastings' current financial difficulties and future potential crisis (Proposition 9), alternative methods of funding must be tapped to avoid increased tuition.

SUGGESTION: the 30% budget cut recently presented to the state legislature by Dean Prunty be examined from a student perspective *now*, and in the future.

SUGGESTION: a more aggressive alumni/ae fund-raising program with support and participation from the faculty.

2) The present "detailed-point" grading system at Hastings puts unnecessary pressure on students both in school and in job placement and ought to be changed either to a letter grade system or to a broad percentage curve system as now exists at every other law school in the area.

3) The entire curriculum at Hastings is in desperate need of a thorough appraisal and overhaul. This must include the acceptance and implementation of a public interest law program.

Julie Stewart, for Board of Directors

The post of affiliated student director on the Hastings board is one that requires firmness and diplomacy together with perseverance in the face of hardened resistance. I believe that I possess these abilities.

After graduating **summa cum laude** from Berkeley in 1977 with a bachelor's in rhetoric, I worked for two years on the Washington staff of Congressmember Ron Dellums as a legislative aide. This involved developing concepts for bills and amendments, briefing major reform legislation, working with lobbyists, and a good deal of politicking with House committee staffs. Prior to graduation I worked as a career counselor at Berkeley's Career Planning and Placement Center, and helped a budding liberal arts internship program double its number of placements in paid positions.

In addition to diplomacy and perseverance, of course, the student director must also share goals in common with the Hastings student body. I believe our overall goal should be to prepare graduates for the realities of legal practice, and to foster awareness of the many unmet needs which are a large part of such realities. But students cannot adequately prepare to meet those needs unless the policies of the law school are designed to encourage preparation, and that is why a student liaison is so imperative. The board could, through its powers, help to support the several clinics that many students, on their own initiative, are putting together. It could act affirmatively to diversify the faculty by approving the appointment of greater numbers of women and minorities, and to diversify the student body by active recruitment policies. It could make a stronger commitment to the LEOP program, and it could reach out a helping hand to members of the Tenderloin community and indeed to all groups who are economically disadvantaged and traditionally underrepresented in the legal system. Such measures would not only better the overall quality of the educational experience here, but they could also have a permanent and beneficial effect within the professional community.

People on the outside, including the state legislature, are beginning to recognize the anachronistic character of this self-perpetuating set of private directors governing a public learning institution—the Hastings board has managed to remain an all-white, all-male bastion throughout its existence, with the nominal exception of **ex officio** director Rose Bird. Certainly obscurity is one reason that it has escaped much criticism. But this is hardly any way to conduct the affairs of a major public law school.

If elected, I will post conspicuous and timely notices of board meetings with advance agendas, as well as the minutes of those meetings, and will generally perform a watchdog function by letting students know what are the major decisions affecting the school, by discovering the consensus of student opinion on these matters and by voicing those opinions to the board. I have been attending board meetings and voicing concerns as an informal representative for the last several months, and have already begun to establish a degree of credibility there. Anticipating a time-worn argument, I am confident that students would show a greater interest in these essentially political affairs if the board were to address itself to the issues that concern us in a progressive and imaginative way, and exposure to constructive criticism can help achieve that. For too long, the board has cloaked itself in its constitutional robes to resist any and all challenges from the outside. It is time that it opened its doors to present day realities. A student director who can work effectively with the board can be the means for establishing a rapport that will help open those doors.

7 spots open on Board of Directors

VACANCIES. There are 6 affiliate positions and 1 statutory position to be filled. Affiliate directors serve for 3 year terms and statutory directors serve for 12 year terms.

QUALIFICATIONS. The by-laws provide that "all directors shall be able persons broadly reflective of the economic, cultural and social diversity of the State, including ethnic minorities and women." Hastings students who will be enrolled full-time during the 1980-81 academic year are eligible for Board position(s).

SELECTION PROCESS. A nominating committee will recommend candidates for selection by the full Board of Directors. The committee is composed of Directors Daniel R. Shoemaker (chair), Raymond Hanson and Max Jamison. According to the Board resolution creating it, the committee can expand its membership to include non-Directors, if it chooses to do so. Recommendations and/or elections by groups, individuals or campus organizations, while not binding, *are* invited.

APPLICATION. Resumes may be sent to Dean and Acting Chancellor Bert S. Prunty, General Counsel Aletha Owens, or Director of Public Affairs Linda Feinberg. 198 McAllister Street, San Francisco, CA 94102.

FOR MORE INFORMATION. Call Ms. Feinberg at 557-3480.

Public interest foundation needs you

Why should I join the Hastings Public Interest Law Foundation (HPILF), you ask. If you believe that individuals should not receive legal services if they cannot afford them or that it does not matter whether all affected interests are adequately represented in public decision making, there probably is no good reason for joining HPILF.

Otherwise, there are lots of good reasons. HPILF is an income sharing organization modeled after the successful Berkeley Law Foundation (BLF) where members share and pool a portion of their incomes to enable recent law graduates to provide public interest legal services. (See box.)

BLF's record of achievement since its founding in 1976 demonstrates that even a small number of people can put together a workable organization able to implement progressive ideas. Starting with 56 members in its first year, BLF has raised over $100,000 and sponsored 8 full-scale projects and 4 student summer projects in its four years of operation.

Similar organizations at law schools across the country use the simple income sharing concept to serve several needs simultaneously:

- Under-represented groups and individuals receive legal services which would not otherwise be available due to the limited amount of other public interest law funding. BLF projects have been innovative in using a variety of tactics including litigation, community education and technical assistance in legislative matters.
- Grantees receive opportunities to start a career path in public interest law, gaining experience in designing and operating legal services programs. Many BLF grantees have received continued funding from other sources based on their "track records" developed through their BLF grants.
- Foundation members can satisfy their ethical responsibilities to perform public interest legal services by providing back-up legal support for grantees. ("Every lawyer, regardless of professional prominence or professional workload, should find time to participate in serving the disadvantaged." EC 2-25 of the ABA Code of Professional Responsibility). The Foundation also provides a means of keeping in touch with school friends and meeting other socially committed lawyers through membership functions such as the Foundation newsletter.
- Students can use Foundation projects for work-study jobs or clinical placements. HPILF can also be critically important in reinforcing the social values which motivated many of us to attend law school.

In short, the Hastings Public Interest Law Foundation is a means of translating your serious personal commitment to a better legal system into action. This is especially important for those who want to be active in public interest work but who will not be able to get such a job for whatever reason.

At this critical formative phase, HPILF needs your time—as little as four hours—to help in our first membership drive. If you want to take part in this important effort, leave a note with your name, locker and phone numbers, in locker 581 or call Paul at 221-0144.

Energy Conference at Hastings

In response to President Carter's and Congress' attempted solutions to the Nation's serious energy problem and the potentially insighted but ignorant public concern for our energy future, the Hastings Environmental Law Society is sponsoring an Energy Conference on April 12th entitled, "The National Energy Policy: The 'Federalism' of California's Energy Future." The conference will focus on the proposed Energy Mobilization Board, Energy Securities Corporation, Synfuels Programs, and other national legislation and their effects on California energy policies and energy resources planning.

The morning session, beginning at 10:00 a.m. will include speakers such as Charles Warren, former Chairman of the Council on Environmental Quality; R.D. Folsom, Assistant Director of President Carter's Domestic Policy Staff; William Arnst, U.S. Department of Energy West Coast Spokesman; Commissioner Emilio Varanini III, Chairman, California Energy Resources and Development Commission; and speakers representing the California Public Utilities Commission, the Utility Industry, environmental groups and energy technologists.

An opportunity to meet the speakers and to discuss the issues in an informal atmosphere will be provided during lunch. A buffet lunch will be provided for $2.50 with reservations and $3.50 at the door. The afternoon will be devoted to an *en banc* panel of speakers and other representatives for a discussion and debate of the National policies and their impacts. the conference should last until 4:00 p.m.

While no registration fee is required, we request reservations from all those who wish to attend and those desiring to purchase lunch. Please drop your reservations in lockers #100 or 73. For further information contact Gretchen Beck (#100), Jim Hershey (#73), or Mike Gosliner (#191).

We encourage you and your friends to attend the conference to glean an important insight into our national and state energy future.

Chumps take 2nd in San Diego

Continued from page 8

cumstances has decided to send one to the director of the U.C. Med Center Basketball League, Al Kerr, and one to Brigham Young, instead! Congratulations to Chuck Barsam, Don Hamman, Chris Lavdiotis, Pat Lawlor, Marty Moroski, Morley Pitt, Alan Schulkin, and Rod Thompson for a fine display of teamwork, hustle and spirit.

Chol Soo Lee

Continued from page 6

The jury convicted Chol Soo Lee for the first degree murder of Needham, and Chol Soo was sentenced to die. That was in March of 1979; in May, Judge Papas upheld the death penalty and confirmed it.

The prosecution appealed the ruling on the writ of habeus corpus to the State Court of Appeal. At press time, the Court had not yet ruled on the petition. If the ruling is upheld, charges may be re-filed against Chol Soo for the murder of Yip Yee Tak. The Supreme Court will stay any decision on the automatic death penalty appeal until the first case is completely determined.

Critics claim LSAT test biased

by Bill Vela

In 1978, Hastings College of the Law, with the assistance of the Education Testing Service Corp., (ETS, which designs and administers the LSAT and other standardized tests) developed a new admissions formula for the college. The new formula, ETS 1, weights the LSAT 72% and college grades 28%. Under ETS 3, the older criterion, the LSAT accounted for 52%, while grades figured as 48% in the applicant's admission.

When the faculty announced the inception of ETS 1 in 1978, students went on strike as a protest. They were contesting the increased weight to be given to the LSAT in admissions, which would have an adverse impact on minority students, as well as the elimination of the student vote in the admissions process.

As a result of the strike and community pressure, the faculty reached a two year compromise. Under this plan, the 52% weighting of the LSAT would continue but the entering classes of 1978 and 1979 would be evaluated using the 72% formula to see which figure more accurately predicted students' law school performance. The two year evaluation period has now run.

Recently, the LSAT, along with other standardized tests, has come under attack. Ralph Nader alleged that the LSAT was invalid and possibly even a fraud. The effect of the test, according to Nader, was to "exclude a disproportionate number of minority applicants who are capable of succeeding and to perpetuate distinctions in the guise of merit."

A 1973 study conducted by ETS revealed that minorities do not perform as well as non-minorities on the LSAT. In fact, white males score 133 points better than black males, on the average.

The disparate impact of a heavy weighting of the LSAT on LEOP students at Hastings would be significant. While the college grade point averages of students admitted under LEOP and the general admissions program are similar, LSAT performance among LEOP-admitted students is much lower.

However, this does not mean that LEOP students cannot perform well on the state Bar. For example, last July the passage rate of Hastings' LEOP students exceeded the statewide figure in all but the fourth quartile (see HLN 2/19/80).

An example will illustrate the severe impact that the ETS 1 formula will have on minority applicants to Hastings. Suppose a minority applicant has a remarkable A- college average and a respectable 500 LSAT score. Compare this applicant with a white student with a C average and a 633 LSAT (using the 133 LSAT point spread between minorities and non-minorities). Under the older standard, ETS 3, the minority applicant would be eligible for the general admissions program while the white applicant would be ineligible since grades would count 48% and the LSAT score 52%. The results under ETS 1 would be quite different. Using this standard, since the LSAT would count 72%, the white applicant would appear to be the more qualified of the two. In fact, the minority student would no longer be eligible under the general admissions program.

ETS admitted the existence of racial bias in the LSAT in a 1977 validity study which it conducted for Hastings. ETS concluded that the LSAT's "predictive validity is enhanced by its reliable prediction of race." The same report advised Hastings to come up with a quantitative factor based on past successes of minority students to be used as a more effective predictor of their performance and to offset the bias of the LSAT results.

Others contend that the LSAT is biased toward an upper-middle class socio-economic status. Jane Mercer, a psychometrician at UC Riverside, contends that the test mirrors the standards and values of upper-middle class Americans. Therefore, according to Mercer, the test has a negative impact on all poor students, whether from minority backgrounds or not. Additionally, the fact that more minorities than non-minorities are from working class backgrounds militates against minorities performing well on the exam.

Two justifications are commonly advanced for the propriety of weighting the LSAT heavily in screening law school applicants. The first is that it is proper to evaluate applicants by white middle class standards since that is the prevalent standard in the legal profession. Putting aside any disagreement about whether that is a desirable situation for the legal profession, the argument is still erroneous. The key is that the LSAT tests at present command of these values, it cannot measure the likelihood of a minority student learning these values during law school and thereby conforming to the standard belatedly. Likewise, determination and perseverance during the three year process are ignored by such a rationale.

Another claim advanced by LSAT supporters is that test performance is highly correlated with Bar results. The problem with this argument is that the Bar may be equally biased against minorities. It is amazing that a Title VII validation study has never been done on the Bar, given its pivotal role in employment. In *Griggs* v. *Duke Power* the US Supreme Court held that when a test is shown to have a disparate impact on minorities (or other protected groups), the burden then shifts to the employer to demonstrate the job-relatedness of the test. In other words, the Bar should be required to prove that the skills and abilities necessary to pass the Bar are also crucial to practice in the profession.

A 1978 report entitled "Commission To Study the Bar Examination Process" claimed to be a study evaluating the cultural bias of the exam. Ironically, the Bar used criteria which are obviously not free from cultural bias — LSAT results, college grade point averages and law school grades — to make its evaluation. In the case of one law school applicant who did poorly on the LSAT and subsequently failed the Bar exam, the state Bar determined that its examination was not culturally biased. Overall, the study concluded that the exam was free from cultural bias.

In summation: 1) the two year compromise period during which Hastings used both ETS 1 and ETS 3 is now over, 2) the LSAT is biased against minorities and working class applicants, and 3) Hastings as a tax supported institution has a duty to serve all segments of the state's population, not just the corporate interest and the wealthy.

Hastings Board of Directors keeping up with current events while waiting for a quorum.

'Strength through unity' stressed at women's confab

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they enable the oppressed group to substitute their own version of reality for that so long imposed by the politically powerful. But this anger should only be a temporary phenomenon. For when women "pit themselves against minorities or white males," according to Paterson, they are falling for the divide and conquer tactic so often used by those in power.

Although she admitted that if she saw Alan Bakke on the street she would "slap his face," Paterson feels that the real enemy is "the white male mindset." This mindset can exist in the body of a Phyllis Schlafly; "all women are not our friends," warns Paterson. Endorsing a female candidate simply because of her sex, regardless of her politics, is ignorant from Paterson's point of view.

From a practical standpoint, and in spite of the fact that the civil rights movement is her top priority, Paterson feels a special attachment to the women's movement because it most strongly affects day to day life and is essentially a "personal revolution."

Paterson concluded her enthusiastically-received address with a few thoughts about the law schools, which she termed "intellectual boot camps." She urged women attorneys to offer support to women law students during their three years of being "institutionalized." Cautioning law students to resist the temptation to come out of the painful ordeal with an arrogant attitude, Paterson spoke of the need to "humanize" the law schools. The alumnae have a special role to play in this process of transforming the schools into something more than "conveyor belts to the corporate firms," concluded Paterson.

Jaws II may force big fee increase

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posed operating budget increases. Hastings' Board of Directors has already approved a 23% registration fee hike for 1980-81, increasing the annual registration fees from $348 to $428. Registration fees are set to increase to $468 in 1981-82 and $510 in 1982-83. Registration fees will probably increase above those levels if Jarvis II passes.

Next year's increase will bring Hastings in line with the maximum fee that University of California (UC) campuses will be able to charge under a resolution the UC Regents approved last November. Currently, Boalt students pay $393, the maximum permitted by the Regents, while law students at UCLA and UC Davis pay $372.

The Governor's Budget also assumes that Hastings application fees will be increased from $20 to $25 next year. This has not been approved at press time, however.

Unanswered Questions

According to two memos from General Counsel Aletha Owens, the Board of Directors approved the registration fee increase at the December 14 meeting. However, the subject was not on the agenda or in the minutes and was not discussed at the public session.

The Hastings Board of Directors uses the law regulating executive sessions of the University of California Regents (Education Code 92030). The statute provides for 8 types of matters which may be considered behind closed doors, such as investment and property transactions, matters in litigation, and employee complaints. Changes in the fee structure are not included under the law, and Acting Chancellor/Dean Bert Prunty said that the issue would be inappropriate for consideration in executive session. Based on interviews with Hastings officials, it is unclear at press time if the increase was considered in executive session, and if so, why.

Further, the $80 increase should generate approximately $120,000 in additional revenue, which decreases the level of general funds required. However, the Governor's Budget only indicates a $54,000 offset. Officials at Hastings, the State Department of Finance and Legislative Analyst's Office cannot explain the difference.

Finally, the Board of Directors resolution states "that the revenues derived from the increased registration fees be used for student services and that said revenues not be deposited in the State General Fund."

This provision would be similar to the scheme for the UC system where registration fees are held separately and used to fund student services. Currently at Hastings, student services are financed with state general funds, and registration fee revenue is effectively combined with general funds.

Squeeze Play

Hastings' hearings before the Senate Finance Subcommittee on February 25 and the Assembly Ways and Means Committee on March 3 showed that Hastings is under conflicting pressures from the American Bar Association and state government budget analysts. In its 1978 accreditation review, the ABA found serious problems, including Hastings' high student-faculty ratios (currently 28.4:1) and inadequate faculty sabbatical leaves and library collections and seating.

Opposing some of the ABA's pressure for increased funding, the Legislative Analyst and the Department of Finance recommended several cuts, anticipating a tight state budget, especially if "Jaws II," as the senators call it, passes in June.

The most serious controversy involved Hastings' reduction of fall, 1979 admissions by 58 students without informing the Legislature. Legislative Analyst Bill Chavez charged that the reduction was deliberate and "a serious breach of trust," citing last fall's annual report from Chancellor/Dean Anderson to the Board of Directors. Chavez recommended that Hastings be required to admit an additional 58 first-year students next fall or accept a budget reduction, noting that budget allocations are based on student enrollment levels.

Dean Prunty stated that he did not know about the report because he was new to the College, but defended the action as a good faith effort. Prunty said that the College would be unable to accommodate the increased enrollment which would require adding a sixth first-year section. The ABA later wrote to commend the resulting student-faculty ratio reduction. Hastings' 1979-80 enrollment is between 1,468 and 1,472, according to Prunty.

The Senate Subcommittee voted to reject the Legislative Analyst's recommendation to increase 1980 admissions. However, the Assembly Subcommittee recommended that Hastings be required to admit an additional 58 transfer students next fall to compensate for this year's under-enrollment.

Prunty successfully defended Hastings' position on other issues. The most striking example was the Senate Subcommittee's approval of the request five new library positions, despite the Department of Finance's recommendation of an increase of only two positions and the Legislative Analyst's recommendation of no increase. However, the Assembly Subcommittee only approved two new positions.

Hastings' budget is next considered as part of larger appropriations bills by the full committees in both houses, and later by the full Senate and Assembly. After both chambers pass their budget bills, the conference committee irons out differences between the two versions. The governor is authorized to cut individual line items and then, finally, signs the bill into law.

Private Fundraising

Hastings does not get all its operating capital from the State, however. Hastings has received over $237,000 from private contributors so far this fiscal year, according to a February 22 report from Development Director David Glen. This compares to $136,000 received at the same time last year. Glen reported a total of $945,000 in written pledges for the year and expects to actually receive a total of $500,000 by July.

With the help of master fundraiser, Chancellor Marvin Anderson, Hastings may well reach its goal. Anderson returned to the Mainland from Hawaii and helped contributors dispose of their funds during the week of March 3.

Hastings Total Operating Budget By Program (All Funds)

Governor's Proposed 1980-81 Budget

Thousands of Dollars

Instruction Program	
classroom instruction	2,921
theory-practice (moot court, trial practice, clinics)	126
Public Service Program	
trial and appellate advocacy	230
Instructional Support	
law library	668
scholarly publications	261
Student Services Program	
health services	219
financial aid	1,827
placement	56
admissions	78
Institutional Support	
executive management	1,187
business services	330
personnel	194
registrar	79
facilities operation	746
community relations	86
Total	**9,008**

'Three Sisters' came and went

Three Sisters, a play by Anton Chekhov, will open Thursday, March 27 in a limited four-day engagement. What is most noteworthy about this production is that it is being directed by Lev Vainshtien, formerly of the Moscow Art Theater and the Ivanov Theater. This will be Director Vainshtien's first play in the United States and his first direction in the English language. The performance will take place at Lisser Hall on the Mills College campus in Oakland. The curtain is at 8 p.m. Thursday, Friday, and Saturday, March 27 through 29, with a matinee on Sunday, March 30.

Not-so-fond remembrances

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with the ideal firm? (Yes sir; I love insurance defense and probate...—I am looking forward to getting away from California and working in a nice town like Salt Lake City...—I've never checked my class standing because...—I know you generally only hire from the top 10%, but...) Remember your first offer? (You *do* have an offer, don't you?)

Remember the records office? (Try not to—your blood pressure, you know...) Remember selecting a bar review course? (After reading all the statistics, did you too flip a coin?) Remember sitting in the library (the big room on the 3rd floor with all the books...) gazing at members of the opposite sex? (Remember getting caught?) Remember sex itself? (It wasn't *that* long ago, was it?)

Most of all, however, remember the people. Despite any appearances to the contrary, we've developed many strong friendships which will be painful to lose. Throughout the mystical ordeal called law school, there has been a collage of emotion—laughter, compassion, hope, disappointment, frustration, satisfaction, sorrow, joy—and a wealth of fine people who have shared the experience. That will never be forgotten. If only these people would only learn how to reshelve their books...